

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSIE BADGER and KIT BORDEN,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

CBL & ASSOCIATES PROPERTIES, INC.,

Defendant.

Case No. 2:17-cv-00931-AJS

Filed Electronically

**NOTICE OF VOLUNTARY DISMISSAL OF ACTION
WITHOUT PREJUDICE**

Pursuant to the provisions of Federal Rule of Civil Procedure 41(a)(1), Plaintiffs Josie Badger and Kit Borden, by and through their counsel, voluntarily dismiss without prejudice the above entitled action, with each party to bear its own costs.

No opposing party has served either an answer or a motion for summary judgment in the present case. No opposing party has filed a counterclaim, nor has any opposing party filed any motion adverse to the interests of Plaintiffs herein.

Dated: September 14, 2017

/s/ Benjamin J. Sweet

Benjamin J. Sweet

Stephanie K. Goldin

CARLSON LYNCH SWEET KILPELA &
CARPENTER, LLP

1133 Penn Avenue, 5th Floor

Pittsburgh, PA 15222

(412) 322-9243

(412) 231-0246 (Facsimile)

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Voluntary Dismissal of Action Without Prejudice was electronically filed with the Clerk of the Court using the CM/ECF system on September 14, 2017, which will send notification of the filing to all counsel of record.

By: /s/ Benjamin J. Sweet